

FORM PTO-1380
(REV. 01-2003)

US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY JACKET NUMBER
125291**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
New U.S. National Stage of PCT/FR2004/050140INTERNATIONAL APPLICATION NO.
PCT/FR2004/050140INTERNATIONAL FILING DATE
April 2, 2004PRIORITY DATE CLAIMED
April 7, 2003TITLE OF INVENTION
METHOD FOR DETECTING AND/OR IDENTIFYING BACTERIA PRESENT IN A SAMPLEAPPLICANTS FOR DO/EO/US
Josep Vicent BADIA MERCADER; Bruno COLIN and Vincent ATRACHE

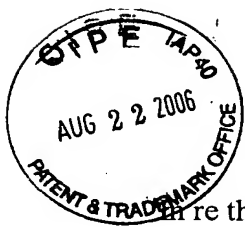
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ International Search Report. The Declaration is a Declaration of Inventorship.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) New U.S. National Stage of PCT/FR2004/050140		INTERNATIONAL APPLICATION NO. PCT/FR2004/050140		ATTORNEY'S DOCKET NUMBER 125291	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00				\$300.00	
SEARCH FEE (37 CFR 1.492(b)(1)-(3)):				\$400.00	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00					
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA \$ 100.00					
International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00					
All situations not provided for above \$ 500.00					
EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):				\$200.00	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00					
All situations not provided for above \$ 200.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
TOTAL PAGES OF APPLICATION OVER 100 (- 100)	÷ 50	= †	x 250 =	\$	
†round up to next integer					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
TOTAL CLAIMS	11- 20	= 0	x 50.00 =	\$	
INDEPENDENT CLAIMS	3- 3	= 0	x 200.00 =	\$	
MULTIPLE DEPENDENT CLAIM(S)(if applicable)			+ 360.00 =	\$	
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$900.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$900.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> Check No. 171561 in the amount of \$900.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944					
Date <u>October 4, 2005</u>			NAME: William P. Berridge REGISTRATION NUMBER: 30,024 NAME: Eric D. Morehouse REGISTRATION NUMBER: 38,565		



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of

Josep Vicent MERCADER BADIA, et al.

ATTN: Mail Stop PCT

Application No.: 10/551,989

Docket No.: 125291

Filed: October 4, 2005

For: METHOD FOR DETECTING AND/OR IDENTIFYING BACTERIA PRESENT IN
A SAMPLE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C 371 IN THE UNITED STATES DESIGNATED/ELECTED
OFFICE (DO/EO/US) TRANSLATION ALREADY FILED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on August 11, 2006, the English-language translation of the application filed on October 4, 2005. A copy of the translated application as filed, a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, and a copy of the stamped postcard receipt are attached hereto.

Entry of these documents on October 4, 2005 should have completed all of the filing formalities. Accordingly, prompt issuance of a Notification of Acceptance and Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Julie M. Lake
Registration No. 51,156

WPB:JML/phd
Date: August 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--

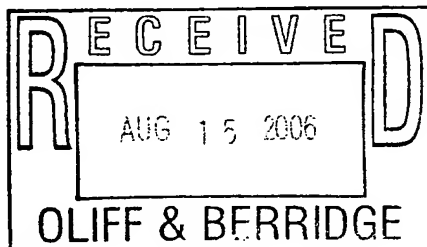


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/551,989	FIRST NAMED APPLICANT Bruno Colin	ATTY. DOCKET NO. 125291
---	--------------------------------------	----------------------------

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320



INTERNATIONAL APPLICATION NO. PCT/FR04/50140	
I.A. FILING DATE 04/02/2004	PRIORITY DATE 04/07/2003

CONFIRMATION NO. 6481
371 FORMALITIES LETTER



OC000000019981067

Date Mailed: 08/11/2006

MISSING PARTS

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/04/2005
- Copy of the International Search Report filed on 10/04/2005
- Preliminary Amendments filed on 10/04/2005
- Information Disclosure Statements filed on 12/14/2005
- Oath or Declaration filed on 10/04/2005
- U.S. Basic National Fees filed on 10/04/2005
- Priority Documents filed on 10/04/2005
- Power of Attorney filed on 12/14/2005

DUE DATE

OCT 11 2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 for English translation surcharge required.

DOCKETED
By Fmp on 8/15 2006
and
By SBH on 8/15 2006
Oliff & Berridge

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE

DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY DOCKET NO.
10/551,989	PCT/FR04/50140	125291

FORM PCT/DO/EO/905 (371 Formalities Notice)

O RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

PCT t, ck # 171561 (\$900), PCT Req., Prelim., 18 pp. spec/11 clms/abstr., 5 pp. dwngs (Figs 1-5)
Dec. of Invntshp., French-language PCT Req., 18 pp. Int. Appln. and Int. Srch Report

Name of Applicant:	Josep Vicent MERCADER BADIA
Serial No.:	New U.S. Patent Application 10/ 551 989
Atty. File No.:	125291
Title (New Cases):	METHOD FOR DETECTING AND/OR IDENTIFYING BACTERIA PRESENT IN A SAMPLE
Sender's Initials:	WPB/emt
ASSIGNEE:	bio Merieux

JC03 Rec'd PCT/PTO 04 OCT 2009

PTO RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

PCT t, ck # 171561 (\$900)., PCT Req., Prelim., 18 pp. spec/11 clms/abstr., 5 pp. dwngs (Figs 1-5)., Dec. of Invntshp., French-language PCT Req., 18 pp. Int. Appln. and Int. Srch Report

Name of Applicant: Josep Vicent MERCADER BADIA

Serial No.: New U.S. Patent Application

Atty. File No.: 125291

Title (New Cases): METHOD FOR DETECTING AND/OR IDENTIFYING BACTERIA PRESENT IN A SAMPLE

Sender's Initials: WPB/emt

NEW APPLICATION

43/33

PATENT OFFICE DATE STAMP



**COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER**

16